

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14161 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- JADOPUR District- Gopalganj

1. Shivjee Yadav @ Sivjee Yadav @ Shivji Yadav Son Of Rajbalam Yadav Resident Of Village - Dhupsagar Khargauli, Police Station - Jadopur, District- Gopalganj.
2. Om Prakash Yadav Son Of Nathuni Yadav Resident Of Village - Bhagwanpur, Police Station - Nautan, District - West Champaran (Bettiah).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala,APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection with Jadopur P.S.Case No. 09 of 2022 for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that total 192 liters of country made liquor has been recovered from Bullock Cart and the petitioners were apprehended while they were trying to flee away.



It is submitted by the learned counsel for the petitioners that the liquor was not recovered from conscious possession of the petitioner and the same has been recovered from Bullock Cart. . It is next submitted that this petitioners have clean antecedent and are in custody since 26.01.2022, moreover, there is no compliance of Section 100 of the Cr.P.C and section 74, 82 and 91 of the Bihar Prohibition & Excise Act, apart from the fact that investigation has already been concluded and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that the recovery has been made from Bullock Cart. Moreover, petitioners are in custody since 25.11.2021 having clean antecedent, apart from the fact that investigation has already been completed and charge sheet has been submitted and keeping the petitioners behind the bar for a further period no purpose,would be served, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/-



(Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Gopalganj in connection with Jadopur P.S.Case No. 09 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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